

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK DEES, JR.,

Defendant.

8:11CR306

CORRECTED ORDER

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Petition) regarding defendant Frank Dees, Jr. (Dees) (Filing No. 48). Dees was ordered released upon conditions pending further proceedings on November 10, 2011 (Filing No. 35). Dees was to reside at the NOVA Treatment Center, and abide by other conditions of release. On February 15, 2012, Chief Pretrial Services Officer Timothy A. Connor submitted a Petition alleging Dees had violated the conditions of his release by leaving NOVA without authorization and absconding from supervision. A warrant for Dees's arrest was issued.

Dees appeared before the undersigned magistrate judge on June 18, 2012. He was represented by Barbara J. Thielen. The United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. After being advised of the nature of the allegations, his rights, and the consequences if the allegations were found to be true, Dees admitted the allegations. The court finds the allegations of the petition are generally true and Dees has violated the conditions of his release.

The court took judicial notice of the Pretrial Services Violation Report. After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release should be revoked. Dees has demonstrated he is unable to comply with rules of his release.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (Filing No. 48) is granted.
2. The Order Setting Conditions of Release of Frank Dees, Jr., (Filing No. 35) is hereby revoked.
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 19th day of June, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge